

JC87
APR 14 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/026,301 CONFIRMATION NO. 8087
APPLICANT : **De Billot et al.**
FILED: : **December 19, 2001**
TC/A.U. : **1616**
EXAMINER : **Alton N. Pryor**
DOCKET NO. : **17396/09015**
CUSTOMER NO. : **n/a**

RESPONSE AND AMENDMENT UNDER 37 C.F.R. §1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action of February 26, 2004, and is intended to address each and every issue that was raised in that Action. It is believed to be timely with respect to the two-month period to permit an Advisory Action that was set for response in that Action. It is believed that the amendments made herein comply with 37 C.F.R. §1.116 in that they are limited to canceling claims and to complying with the requirements of form set forth in the Office Action dated July 8, 2003, and continued in the Action dated February 26, 2004.

There are no **Amendments to the Specification**.

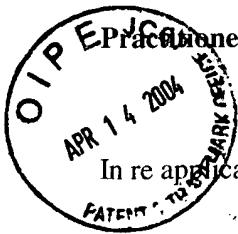
Amendments to the claims begin on page 2 of this paper.

There are no **Amendments to the Drawings**.

Remarks/Arguments begin on page 39 of this paper.

Image

AF/1616



Practitioner's Docket No. 17396/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Maurice R. De Billot, Schalk Van Wyk, Theunis E.M. Odendaal, Dennis Paul Phillion, Jeffrey S. Coulter, Ernest F. Sanders, Greg A. Penner, Jawed Asrar, and Michael K. Stern

Application No.: 10/026,301

Filed: 12/19/2001

For: METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

Group No.: 1616

Examiner: Alton N. Pryor

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
 with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 4/12/04

Debra Dunn-Brown
Signature

Debra Dunn-Brown
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

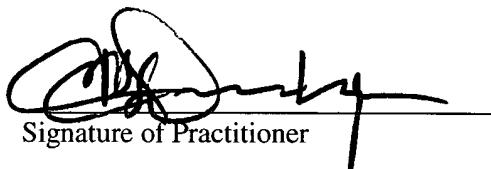
(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE			ADDIT. FEE
TOTAL	58	–	75	=	0	x \$ 18.00 = \$ 0.00
INDEP.	9	–	9	=	0	x \$ 86.00 = \$ 0.00
<u>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</u>			+ \$ 0.00	= \$ 0.00		
					TOTAL ADDIT. FEE	\$ 0.00

No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional fee for claims is required, charge Account No. 50-2548.

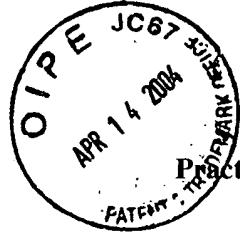
Date: April 12, 2004



Signature of Practitioner

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Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the attached correspondence comprising:

1. Response and Amendment to Office Action dated 2/26/04 (41 pages)
2. Amendment Transmittal (2 pages)
3. Return Postcard (1 page)

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450

on Apr. 12, 2004.

Debra Dunn-Brown
Debra Dunn-Brown
Signature of person mailing paper